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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/621,745

07/21/2000

KARL AMUNDSON

INK-086-(2108/66)

4716

21323

7590

05/06/2004

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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

16

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/621,745

Applicant(s)

AMUNDSON ET AL.

Examiner

Jimmy H. Nguyen

Art Unit

2673

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

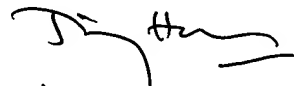
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3,7-12,15,16 and 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15.
10. ☒ Other: See Continuation Sheet


JIMMY H. NGUYEN

Continuation of 5. does NOT place the application in condition for allowance because: of the same reason as set forth in the last Office Action. Further, Applicants argue that the Morin semiconductive layer 14 is a patterned semiconducting layer because the Morin semiconductive layer is patterned to conform with the shape of the conductive blocks (P, 12, or SP) (see the amendment, page 2, fourth paragraph. Examiner disagrees because (i) the Morin reference, specifically col. 3, lines 64-65, as indicated by Applicants, does not disclose expressly the semiconductive layer 14 must be patterned, (ii) the present invention provides a definition of unpatterned semiconductive layer 56', as illustrated in fig. 4B which expressly shows the semiconductor layer 56' deposited to conform with the shape of the dielectric layer 54' or gate electrode 53', i.e., if the Morin semiconductor layer 14 is patterned, it is clear that the semiconductor layer 56' of the present invention is also patterned, and (iii) since Applicants have not disclose that the particular shape of the unpatterned semiconductive layer solves any stated problem, provides an advantage or is used for any particular purpose, but rather discloses a disadvantage of using the unpatterned semiconductor layer which causes the leakage current and On/Off ratio being poorer than for the patterned semiconductor, see the present application, page 11, lines 3-4. In the case that the Morin semiconductor layer is patterned, since absent a showing of criticality it would have been within the level of skill in the art and obvious to one having ordinary skill to engineering design the shape of the semiconductive layer as desired as was judicially recognized in re Dailey, 149 USPQ 47 (CCPA 1976). Accordingly, the rejections are maintained.

Continuation of 10. Other: It is noted Applicants that the information disclosure statement, filed 04/12/2004 and entered as paper No. 15 is placed in the application file; however, all the cited references are crossed out because all references were already cited in IDSs filed on 02/05/2001 and 07/26/2001, and considered by examiner. See the Office Actions dated 06/03/2002 and 01/28/2003..